

ADJUSTMENT TO PREVENT HARDSHIP

The agency director or that person's designee may adjust the cost-share amount downward to prevent a hardship to the family. A hardship adjustment should be considered in situations where the cost-share formula is not sensitive to unusual expenses of the client or the family. The most appropriate way to justify such an adjustment involves looking at total financial resources and total obligations. A recommended procedure for hardship adjustment is found in the Collection Users' Manual, Bulletin 3.25 (available through your county's fiscal unit).

WAIVER TO PREVENT A "COUNTER-TREATMENT" EFFECT OF COST-SHARE

The cost-share amount may be reduced or even eliminated if the program goals of COP are unlikely to be met because of the cost-share amount. These situations could occur if the cost-sharing requirement prevents a participant from receiving COP services. The decision to reduce or to waive the cost-share rests with the lead agency director or the director's designee. A procedure for these waivers is outlined in the Collection Users' Manual, Bulletin 3.17 (available through your county's fiscal unit).

POLICY ON HIDDEN ASSETS OR ASSETS MORE ACCURATELY EVALUATED AFTER CARE BEGINS

After providing COP-funded services, the lead agency may discover the existence of assets which would have made the participant ineligible for COP-funded services, or which would have changed the participant's cost-sharing obligation. In these cases, the lead agency shall redetermine the participant's eligibility counting the newly discovered assets.

A. If the participant is currently ineligible and should have not been certified as eligible, COP funding for services must be discontinued. The participant should pay back 100% of the cost for services in his/her case plan. The payback would be determined as follows:

- 1) Determine the participant's cost of any services provided by COP during the period of ineligibility for COP-funded services.
- 2) The cost of any COP-funded services provided to an ineligible participant must be repaid to COP. Attempt to recover all or part of the cost of such services from the participant. This "payback" is excluded from available income and assets for redetermining the participant's current eligibility and cost-sharing obligation.

B. If the participant would still have been COP eligible despite any newly discovered assets, or has become eligible since the discovery and continues to be eligible, do the following:

- 1) Recalculate the participant's cost-sharing obligation counting any newly discovered assets but excluding any "payback" (see below).
- 2) The participant is responsible for this newly calculated cost-sharing amount. COP funds may be used to pay for the cost of any goods and services in the case plan beyond the participant's cost-sharing obligation.

Payback: Determine the amount of any higher cost-sharing obligation the participant should have been responsible for in the past. The lead agency may: a) Waive any payback of recalculated cost-sharing obligations; or, b) Attempt to recover any past cost-sharing amounts which would have been owed had the hidden assets been included in the cost-sharing determination. This "payback" is excluded from available income and assets for redetermining the participant's current eligibility and cost-sharing obligation.

Note: When the lead agency attempts to recover the cost of services for which the participant was ineligible, or attempts to recover past cost-sharing, the lead agency shall give participants appropriate notification of the agency's intended action. The notice shall include an explanation of the participant's appeal rights.

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